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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CAPITAL ONE, NATIONAL ASSOCIATION,

Plaintiff,

-against-

ALROSE PEPPERTREE L.L.C., ALLEN ROSENBERG,
NEW YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, and "JOHN AND/OR JANE DOE # 1"
to "JOHN AND/OR JANE DOE # 25" inclusive, the last
25 named persons being unknown to plaintiff, the persons
and parties intended being the tenants, occupants, persons,
entities, or corporations, if any, having or claiming upon
the premises at 6401 Jericho Turnpike, Commack, New
York, a parcel of land with buildings and improvements
thereon described in the complaint,

Defendants.

Civil Case No.: CV 11 -1526 (SJF)

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ AUG 30 2011 ★

LONG ISLAND OFFICE

~~REDACTED~~ ORDER SUBSTITUTING ASSIGNEE

Capital One, National Association ("Capital One"), by its attorneys, Schiff Hardin LLP, pursuant to Rule 25(c) of the Federal Rules of Civil Procedure, having moved for an order substituting Namdar Realty Group LLC, a New York Limited Liability Company and the assignee of Capital One ("Namdar"), as the plaintiff and real party in interest in the place and stead of Capital One, amending the caption, and granting such other and further relief as the Court deems just and proper, the motion having regularly come on to be heard,

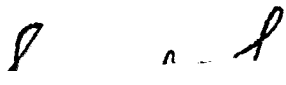
Now, upon reading and filing the notice of motion dated July 29, 2011, the declaration of Thomas P. Battistoni in support of the motion, and the summons and complaint heretofore served herein, after due deliberation having been held thereon, and it appearing that the original plaintiff, Capital One, has duly assigned and transferred the claim constituting the cause of action set forth in the complaint herein to Namdar;

Now, upon motion of Thomas P. Battistoni, attorney for Capital One, it is

ORDERED, that the motion be and the same is hereby in all respects granted, and that Namdar be substituted as plaintiff in the above entitled action in the place and stead of the plaintiff, Capital One, and it is further

ORDERED, that all papers, pleadings and proceedings in the above entitled action be amended by substituting the name of Namdar Realty Group LLC as plaintiff in the place and stead of Capital One, National Association, without prejudice to the proceedings heretofore had herein.

Enter:



The Honorable Sandra J. Feuerstein
United States District Judge

8/30/11